

S/L 23
12.03.2021
Court No.24
SB

WPA 3131 of 2021
(Via Video Conference)

Col. (Dr.) Sunanda Majumdar (Retd.)
Vs.
The Chairman, Board of Administrators, Bidhannagar
Municipal Corporation and Ors.

Mr. Suddhasatva Banerjee
Mr. Ratul Das
Mr. Suvrodeep Banerjee
Mr. Pourush Bandyopadhyay

... for the Petitioner.

Mr. Debajyoti Deb
Ms. Rupsha Bhowmik

...for the Respondent No.4.

Mr. Debobrata Saha Roy
Mr. Arka Kumar Nag
Mr. Subhankar Das

... for the Bidhannagar Municipal Corporation.

Affidavit of service filed in court today be kept
with the record.

The petitioner alleges illegal and unauthorized
construction by the private respondents by making
extensions on several window sills. On receipt of the
complaint filed by the petitioner a notice was served
upon the private respondents. The Bidhannagar
Municipal Corporation directed the private
respondents to justify the alleged construction in the
said plot and submit self-attested photocopy and
documents in support of such construction within a
specified time.

The Executive Engineer of the Bidhannagar Municipal Corporation by the said communication dated 12th February, 2021 instructed the private respondents not to carry out any further construction, in the said plot, till a decision is taken by them on receipt of the documents from him.

The private respondents submit that pursuant to the communication made by the Executive Engineer of the Bidhannagar Municipal Corporation necessary documents have been forwarded to the Corporation. The Corporation has not yet passed any order in response to the complaint lodged by the petitioner.

The learned advocate appearing for the Bidhannagar Municipal Corporation submits that he does not have any instruction in the matter.

As it appears that the Bidhannagar Municipal Corporation has already initiated steps in response to the complaint filed by the petitioner, accordingly, the instant writ petition is disposed of by directing the respondent no. 3 being the Executive Engineer, Building Plan Department, Bidhannagar Municipal Corporation to take necessary steps for consideration of the representation filed by the petitioner, strictly in accordance with law, after giving an opportunity of hearing to the petitioner and the private respondents herein and to pass necessary order within a period of

eight weeks from the date of communication of the copy of this order.

Till a decision is taken by the Bidhannagar Municipal Corporation, the private respondents are restrained from carrying on any further construction in the said plot of land.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The communication of the Executive Engineer, Bidhannagar Municipal Corporation dated 12th February, 2021, submitted by the Ld. Advocate for the private respondents, is retained with the records.

The petitioner is directed to forward the representation dated 4th January, 2021 made on his behalf by his learned advocate at the time of communicating the order of the Court.

WPA 3131 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)